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# AIRGRAM

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ARA	EUR	FE
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NEA	CU	INR
ACDA		6
EB	IO	
4	5	
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AGR	COM	FRB
10	10	
INT	TAB	
9	8	
TR	AIR	
4	5	
ARMY	CIA	NAVY
3	16	10
OSD	USIA	NSA
34	10	3
Fmc	Jus	EPA
4	1	4
CEQ	CG	NSI
2	2	4

A-129

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HANDLING INDICATOR

TO : Department of State

E.O. 11652: N/A

TAGS: TGEN, PBOR, AR

FROM : AmEmbassy BUENOS AIRES

DATE: April 19, 1974

SUBJECT: Law of the Sea: Argentine Law Governing  
Marine Scientific Research

REF: BA.. 2778

Transmitted herewith is a freetranslation of the current Argentine law, enacted in May 1973, covering research in waters claimed in some way or other by Argentina. Also attached are translations of (a) the regulations which implement the law; and (b) the letter which forwarded the law and regulations to the President of Argentina for his approval.

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Attachments: Annexes I, II and III.

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FORM 4-62 DS-323

Drafted by:

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Contents and Classification Approved by:

DCM: JJMontllor

Clearances:

POL: FJZambito

POL: WBSowash

WBS

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*Buenos Aires*  
A-129  
ANNEX I

FREE TRANSLATION

Buenos Aires, May 23, 1973

His Excellency, The President of the Argentine Nation:

I have the honor of addressing His Excellency, the President of the Argentine Nation with the purpose of submitting for your consideration the draft Law on Scientific and Technical Research, which may be undertaken in waters subject to national sovereignty, beneath and on the ocean floor of these waters, and on the Argentine continental shelf.

Our country does not possess the legal instrument with which to legislate on this subject, and in order to fill this sensitive aspect the attached project is being submitted, with which it is hoped to set up the judicial basis for an activity which every day is of greater importance and which has already been the subject of specific provisions in the legislation of most maritime nations and of resolutions adopted in international fora.

The project under consideration only refers to the research activities that may be undertaken by foreign judicial or physical persons, or international organizations, deferring that aspect concerning exploration and exploitation of the live and natural resources of those areas (fishing, hydrocarbons, etc.), to the already existing legislation on these subjects.

The rights of the coastal States to legislate concerning the research to be undertaken within their jurisdictional waters, ocean floor and continental shelf and their respective sub-ocean floors is undeniable, and it is for this reason that the project is based on the principle of requesting previous authorization. This belief has been put forth by the Argentine delegations during their interventions at the recent international meetings on this subject and has also been established

UNCLASSIFIED

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*Buenos Aires*  
A- 129  
ANNEX I  
Page 2

through Resolution No. 5 of the Latin American Meeting on the Rights of the Sea held in Lima during the month of August, 1970.

From this principle arise as necessary requirements the right to verify the fulfillment of the requirements established in the corresponding authorization, as well as to be able to have access to all information obtained from the research and its results.

For this reason, it appears as the most feasible and logical solution, that the Headquarters of the Argentine Navy be responsible for granting the authorization, in view of the close connection between this responsibility and the responsibilities assigned to it by the Ministerial Law.

Nevertheless, this does not rule out the possibility that other state entities, either national or provincial, may grant authorization, when the purpose of the research is within their area. However, even in such a case, it is foreseen that the Headquarters of the Argentine Navy will be notified, in safeguarding the security of navigation and defense.

The project also contains expiry clauses relative to the authorizations, due to lack or non-fulfillment in complying with the established conditions, and sets out the corresponding penalties.

In conclusion, the beneficiary of the funds obtained as a result of the penalties is determined, and the regulations of the pertinent provisions for all conditions, terms and procedures to be observed in granting the permits are provided, as this deals with regulations that, due to their contingent nature, are not in accordance with the Law. Also, it is considered advisable that the regulations specify that the paper-work be kept simple and brief in benefit of the research work.

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*Bulw and*  
A-129  
ANNEX I  
Page 3

In accordance with national policies 146, 147, 148, 149 and 152, this draft Law presented to Your Excellency for due consideration serves to reassert the exercise of national sovereignty in the maritime zones established by Law 17.094.

May God keep His Excellency.

(Signed)

Adm. Carlos G. N. Coda  
Commander in Chief of the Navy

Eduardo E. Aguirre Obarrio  
Minister of Defense

Eduardo F. McLoughlin  
Minister of Foreign Affairs and Worship

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*Buenos Aires*

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A-129  
ANNEX II

FREE TRANSLATION

Law No. 20.489

Buenos Aires, May 23, 1973

In accordance with the attributes implicit in  
Article 5 of the Statute of the Argentine Revolution,

THE PRESIDENT OF THE ARGENTINE NATION

SANCTIONS AND PROMULGATES WITH THE FORCE OF LAW:

ARTICLE 1 - The activities of scientific and technical research planned by foreign judicial or physical persons or international organizations, in waters subject to national sovereignty and on the ocean and sub-ocean floor in the submarine zones adjacent to Argentine territory up to a depth of the overlying waters allows the exploration of the natural resources in said zones, may not be undertaken without previous authorization of the National Executive Power.

ARTICLE 2 - The authorization will be granted on behalf of the Headquarters of the Argentine Navy. In such cases in which the research activities, due to their nature, may fall within the responsibility of other State entities, national or provincial, authorization will be granted on behalf of these, having previously notified the Headquarters of the Argentine Navy in order to safeguard security of navigation and defense, allowing the Navy, in these cases, control over the activities undertaken.

ARTICLE 3 - The agency on whose behalf the authorization is granted, according to the stipulations set out in the previous articles, will receive a duplicate of the information or samples that may be obtained and will have access to all information derived from the scientific and technical research carried out in the maritime zones as specified in Article 1, as well as all partial and final results, and may wish to appoint representatives

UNCLASSIFIED

*Buenos Aires*  
A-129  
ANNEX II  
Page 2

UNCLASSIFIED

who, in their capacity as observers, may witness the research and verify that it is being carried out in accordance with the conditions and terms specified.

ARTICLE 4 - The entity on whose behalf the Executive Power has granted the authorization may rule that the units affected by the research activities should take on board Argentine experts with instructions to oversee or participate in the activities to be undertaken.

ARTICLE 5 - The activities of scientific and technical research will be undertaken in such a manner so as not to inflict any damage on the natural resources of the sea, nor damage or hinder in an unjust manner the exploitation of the marine resources, navigation, or the existing services or projects of any nature.

ARTICLE 6 - Violations of the regulations contained in this Law and its specifications, and of the conditions, allowances and terms set out in the pertinent authorization, may result in the cancellation of same; without damage to the imposition of the sanctions contained in this Law.

ARTICLE 7 - Those responsible for the scientific and technical research activities, who commit the violations referred to in Article 6, will be subject to a fine and, until such time as it has been satisfactorily fulfilled, the units and equipment required for carrying out the research activities will be withheld. The fines will be levied prior to the corresponding research as ordered by the Executive Power on behalf of the Headquarters of the Argentine Navy and which will have been corroborated by the Argentine Naval Prefecture; the sum of which shall fluctuate between a minimum of 500 U.S. dollars (US\$ 500) and a maximum of one hundred thousand U.S. dollars (US\$ 100,000), or its equivalent in another currency. Those affected shall be able to resort to the levying of fines as set out in the provisions of Law 19.549.

UNCLASSIFIED

*Buenos Aires*

UNCLASSIFIED

A-129  
ANNEX II  
Page 3

ARTICLE 8 - The funds obtained from the levying of fines shall be deposited in a special account of the "Argentine Naval Prefecture" "Miscellaneous Assets".

ARTICLE 9 - Said Law shall establish the requirements, procedures, terms and conditions to be employed in granting authorizations and shall determine the period during which the authorities granting said authorization shall not be able to publish the information made available by the investigators, in order to safeguard their priority before it is published.

ARTICLE 10 - To be announced, published and delivered to the OFFICIAL NATIONAL REGISTRY OFFICE and to be filed.

LAW NO. 20489

Eduardo E. Aguirre Obarrio  
Minister of Defense

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A-129  
ANNEX III

IN VIEW OF Law no. 20,489, and

CONSIDERING:

That it is necessary to prepare legislation on scientific and technical research undertaken in waters subject to the national sovereignty, and on the floor and sub-ocean floor of these waters, and on the Argentine continental shelf;

For this reason,

THE PRESIDENT OF THE ARGENTINE NATION

DECREES:

ARTICLE 1 - The previous authorization, referred to in Articles 1 and 2 of the aforementioned Law, shall be requested from the Ministry of Foreign Affairs and Worship by the interested party, through their diplomatic representatives in Argentina or at the Argentine Embassy in their respective countries. The Ministry of Foreign Affairs and Worship shall forward the request to the appropriate government agency, in accordance with the type of research, and shall receive the final decision of the Executive Power through the appropriate agency.

ARTICLE 2 - The request for authorization shall be submitted to the Ministry of Foreign Affairs and Worship or to the Argentine Embassy, at least 180 days prior to beginning the activities. On behalf of the Ministry of Foreign Affairs and Worship, the Executive Power will make known its decision within 60 days of having received the request. The request should be considered as denied if the applicant has not received a reply within the specific time limit.

ARTICLE 3 - Scientific and technical research undertaken by foreigners under contract with the State, either national or provincial, shall be exempt from requesting authorization as stipulated in the previous articles. In such a case the request for authorization shall be presented directly

UNCLASSIFIED



UNCLASSIFIED

*Buenos Aires*  
A-129  
ANNEX III  
Page 2

by the official entity responsible for the contract or the request, to the appropriate entity in order to obtain the required authorization at least 90 days in advance.

ARTICLE 4 - The request for authorization should include the following information given with as much detail as possible:

- a) The physical and/or judicial person or international organization under whose responsibility the research will be undertaken.
- b) The physical and/or judicial person or international organization financing the research operation in question.
- c) The physical person responsible for undertaking the research project within the maritime zones indicated in Article 1 of the Law, and the scientific and technical personnel participating, including their qualifications.
- d) The scientific and technical work to be undertaken in the maritime zones and on land as indicated in Article 1 of the Law, as well as a time schedule for the entire operation.
- e) The equipment and techniques to be employed.
- f) The area of the maritime zones as indicated in Article 1 of the Law and within which the research will be undertaken, indicating its limits by geographical coordinates, land sites from where operations will be carried out, the Argentine ports to be visited and the itinerary to be followed in waters under Argentine jurisdiction.
- g) A schedule to indicate length of time of research activities within the areas requested, as well as length of stay on land and in Argentine ports.
- h) Characteristics of the means of transportation by which the research will be undertaken, its sources of

UNCLASSIFIED

*Buenos Aires*

UNCLASSIFIED

A-129  
ANNEX III  
Page 3

energy for propulsion and equipment, means of communication, radio frequencies used to operate and international call signs.

When dealing with anchored platforms, details are to be furnished of the systems to be employed for anchoring and all the aforementioned characteristics corresponding to the towboat.

Photographs of the participating units.

i) Living quarters available within the units in which Argentine experts and observers will participate.

ARTICLE 5 - The entity receiving the information provided in Article 3 of the Law, shall make it available to other interested national entities.

ARTICLE 6 - The person in command of the units and from which the research activities are to be undertaken, will be obliged to furnish lodging and adequate food, for as long as they remain on board, to all the personnel boarding as observers or experts as stipulated by the authority granting the authorization.

ARTICLE 7 - The foreign ships authorized to carry out research activities in waters under Argentine jurisdiction shall comply with the regulations of the Communications Service for the Safety of Navigation and give the mid-day position according to official Argentine time, through the stations of this Service. Furthermore, if the operation falls within the regulations of the "Convention on the Safety of Human Life at Sea", the units must at all times keep within the conditions set out in said Convention.

In case of not being a signatory to said Convention, they must possess a valid certificate for safeguarding the the safety of Life at Sea furnished by the maritime

UNCLASSIFIED

UNCLASSIFIED

*Primer Air*  
A-129  
ANNEX III  
Page 4

authority of their country. This requirement may be verified by the Argentine maritime authorities whenever they may consider necessary. The failure to comply with this requirement may result in the cancellation of the authorization.

ARTICLE 8 - All information obtained by the State from those responsible for the research shall not be used outside official circles or used commercially until two years have elapsed, or whatever period is stipulated at the time the authorization is granted.

ARTICLE 9 - To be announced, published, delivered to the Official National Registry Office and filed at the Ministry of Defense (Headquarters of the Argentine Army).

DECREE No. 4915

(Signed) President Alejandro Agustin Lanusse

Adm. Carlos G. N. Coda  
Commander in Chief of the Navy

Eduardo F. McLoughlin  
Minister of Foreign Affairs and Worship

Dr. Jorge Wehbe  
Minister of Finance

Eduardo F. Aguirre Obarrio  
Minister of Defense

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